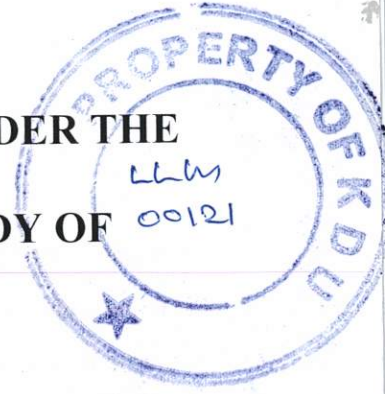


PERMANENT REFERENCE

**FAIR USE DOCTRINE IN COPYRIGHT LAW UNDER THE
ERA OF INTERNET; A COMPARATIVE STUDY OF**



SRI LANKA AND USA

By

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ABSTRACT

Fair use doctrine is playing a significant role in the copyright law as a defence to the Copyright infringements by the users. It was originated as an equitable common law concept in eighteenth century. However, subsequently most of the countries identified the importance of the doctrine and incorporated to their respective legislations. Historically fair use defence prove that its ability to strike a balance of the conflicting interests of both Copyright holders and Copyright users. Judicial interpretations and judicial precedent contributed a lot for the development of the doctrine throughout the centuries. However, the contemporary issues in the modern digital world threaten both Copyright law and fair use doctrine in various forms. It was a new challenge for all the stake parties of the Copyright segment. Fortunately, Copyright owners managed to overcome the challenge up to a great extent by using technical protection measures and digital terms contracts. In addition, anti-circumvention measures provided extra statutory protection to the Copyright owners. As a result, the rights and the interests of the fair uses has been seriously violated. However, with the help of judicial activism and statutory support fair use doctrine still functioning for the benefit of the fair user in the modern internet era as well. This study was conducted to find out whether the fair use doctrine could act as a balancing instrument of the rights of the Copyright stakeholders in the internet era. It has been done through an extensive literature review and a comparative analysis with United States Copyright law regime. United State was chosen as it has a rich legal background for both Copyright law and fair use doctrine than Sri Lanka. Further, there are number of similarities in both jurisdictions as well. This study concluded, that even though there are some defects in the existing law, still the fair use doctrine has great impact under the digital era, in order to strike a balance of the interests of the stake parties of the Copyright law. Finally, this study will recommendations to the Sri Lankan legal system using the lessons from the United States legal system.

KEYWORDS: Fair use doctrine; Contemporary issues in the internet era; Copyright law